IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MRS. SAMUEL E. ALLGOOD, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF SAMUEL E. ALLGOOD, MARCUS ALLGOOD AND MALCOLM ALLGOOD,	*	
Plaintiffs,	*	
VS.	*	CIVIL ACTION NO. H-91-0158
R. J. REYNOLDS TOBACCO COMPANY, THE AMERICAN TOBACCO COMPANY, THE TOBACCO INSTITUTE, INC., AND THE COUNCIL FOR TOBACCO RESEARCH - U.S.A, INC.	*	
Defendants,	*	

DEPOSITION OF

KATHY V. TAYLOR

On January 12, 1993, the oral deposition of the Witness in the above-styled cause was taken at the instance of the Defendant at the home of Ms. Kathy V. Taylor; 2710 22nd Avenue North; Texas City, Texas, pursuant to Stipulations of Counsel contained herein.

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Those persons present were as follows:

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IN ATTENDANCE:

MRS. BONNIE ALLGOOD

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Stanford Libraries' tobacco industry documents: ucsf.edu/docs/nxgl0001

EXAMINATION INDEX

DEPOSITION OF KATHY V. TAYLOR

January 12, 1993

	Page
EXAMINATION BY MR. WALLACE	[*]
EXAMINATION BY MR. HOLFORD	[@]
RE-EXAMINATION BY MR. WALLACE	[#]

http://legacy.library.ucsf.edu/tid/dqp07a00/pdf Stanford Libraries' tobacco industry documents: ucsf.edu/docs/nxgl0001

STIPULATIONS

IT IS STIPULATED AND AGREED BY COUNSEL FOR THE PARTIES HERETO:

That the deposition of the Witness named herein is taken by agreement at this time pursuant to Notice;

That the Witness may sign said deposition before any duly authorized and acting Notary Public for the appropriate area in which signature is obtained;

That this deposition may be used upon the trial of this cause with the same force and effect as if the applicable Federal Rules of Civil Procedure with reference to the taking of the deposition and return of same had been fully followed;

That all objections, other than those that relate to the form of the question and responsiveness of the answer, are hereby preserved and may be made at the time any testimony herein is sought to be offered upon the trial of this cause, despite no

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objection having been made at the time the testimony was taken;

That the original transcript of this deposition will be given to Mr. David L. Wallace, who will be responsible for filing same with the Court, in the event such act is called for by any party to this cause;

That if, for any reason, the original transcript of the deposition cannot be located at the time of trial, an unsigned copy may be used in lieu thereof.

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KATHY V. TAYLOR,

having been duly sworn, testified as follows, to-wit:

EXAMINATION BY MR. WALLACE:

Q Ms. Taylor, my name is David Wallace. I represent The American Tobacco Company in a lawsuit that has been filed in Houston, Texas, by the family of Sam Allgood.

With me today is Scott Allen. He is a lawyer from Houston, Texas. He also represents The American Tobacco Company.

Scott MacLaren is a lawyer from Dallas; and he represents another one of the Defendants, The Tobacco Institute.

Solace Kirkland, is a lawyer from Houston; and she represents another Defendant, R. J. Reynolds Tobacco Company.

Doug Holford represents the Plaintiffs. Bonnie Allgood is one of the Plaintiffs. She is the widow of Sam Allgood. The other two Plaintiffs are Bonnie's two adult sons, Malcolm and Marcus Allgood.

Would you please state your name and address for the record.

A Kathy Taylor. 2710 22nd Avenue North; Texas City, Texas.

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Q Have you ever had your deposition taken before, ma'am?

A Never.

Q Do you understand that even though we're sitting here in the comfort of your home that you have the same obligation to tell the truth as if we were at the courthouse before a judge and jury?

A Uh-huh.

Q Will you tell me if you don't understand any of my questions?

A Uh-huh.

Q Will you tell me if you don't know the answer to a question, instead of guessing?

A Uh-huh.

Q When we're all through here, the Court Reporter is going to type up the questions and answers and put them together in a booklet form. You have a right to review that transcript, if you wish, and make any corrections that are necessary and sign it. Will you wish to exercise that right?

A Yes.

Q We'll make arrangements to have the transcript sent to you so you can review it.

MR. ALLEN: Better yet, if you could, just keep the original, send us

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the original signature page; and we'll send her a copy.

Do you want to do it that way, Doug?

MR. HOLFORD: Yes, and we might also agree that she can use any notary rather than go to their office in Houston.

MR. ALLEN: Sure. That's what we'll do.

Q It will all be explained in the letter you get.

A Okay.

Q The other thing is that this isn't an endurance contest. We don't expect to be too long; but if you need to take a break, answer your phone, get a cup of water, anything, just say so; and we'll accommodate you.

A Okay.

Q Do you have any questions?

A No, but can I make a comment first?

Q Why don't we just start.

A Okay.

Q Are you taking any medications, or do you have any medical condition that would affect your

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ability to remember things in the past and testify truthfully today?

A No.

Q Have you talked to anyone also about this deposition?

A I talked to Shirley Caskey.

Q When did you speak to her?

A I don't know. It's been several weeks ago. When you-all approached me to take it, then I asked her if she had given one; and she said, "Yes."

Q Did you talk about anything else?

A No. I asked her, "Is there anything I need to know about it?"

She said, "No, they'll just ask you questions; and you answer."

That's about it.

Q Did you speak to anyone else about it?

A No.

Q When was the first time you learned of this lawsuit?

A I guess when it was posted on our bulletin board, but I have no idea when that was. It seems like a couple of years ago. It may or may not have been that long.

Q What bulletin board is that?

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A On our lab bulletin board out at work.
Q Out at Amoco?
A Uh-huh.
MR. ALLEN: Is that a "Yes"?
A Yes. I'm sorry.
Q That's the other thing. We'll just back up. The Reporter can only record verbal responses. I'll do my best to catch you, but a nod of the head doesn't translate very well. Just give a verbal response.
A Okay.
Q You said that the notice was posted on the board out at the Amoco plant out where you work?
A Yes.
Q Do you recall what it said?
A To be honest, no. It just said something about a tobacco company and a lawsuit. That's all I can remember right now.
Q Did it mention any names?
A About Sam Allgood.
Q When and where were you born, ma'am?
A I was born in Houston on January 4th, 1951.
Q How long have you lived in Texas City?
A Since 1973 or '4. About 18 years.
Q Are you married?

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A Yes.
Q How long?
A Ten years this April.
Q Do you have any children?
A One daughter.
Q How old?
A Nine.
Q What do you do for a living?
A I'm a lab technician out at Amoco Chemicals.
Q How long have you held that position?
A Since 1980.
Q What did you do before that?
A I was a secretary out at Amoco.
Q Then you just transferred into the lab?
A Uh-huh.
MR. ALLEN: Is that a "Yes"?
A Yes.
Q Ms. Taylor, did you know a man by the name of Sam Allgood?
A Yes.
Q Was he an acquaintance of yours?
A Just through work.
Q Can you tell us when you first met Sam Allgood?

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A In 1980, when I went to work in the lab.
Q You were introduced to him in the lab?
A Uh-huh.
Q He was a co-worker?
A Yes.
Q Approximately how many years did you work with Mr. Allgood in the laboratory at Amoco?
A I guess until he died. I don't know what date that was - '85 or ...
Q It was '89 when he died.
A Well, for nine years I worked with him. I was not closely working with him because I was usually in a different area of the lab, but we associated in the lunch room.
Q We'll get into that in a little bit more detail.

How would you describe your relationship with Mr. Allgood - acquaintances? Friends?
A Acquaintance.
Q Did you ever socialize with the Allgoods?
A No.
Q It was just a work-related ---
A (Interrupting) Right.
Q --- relationship?

Did you ever work the same shift with

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Mr. Allgood?
A If I worked Shift 2, which is a day shift, and he was there, I guess I did. I don't remember whether I ever worked on an evening, a graveyard shift with him or not because the first year and a half I was in the lab. I worked shift work, and after that I didn't work it much. I generally worked days, and off and on I'd do a shift now and then.
Q I'm confused now. When you say, "days," you had a regular shift that you worked during the day?
A Days is from 7:30 to 4:00.
Q You normally worked from 7:30 to 4:00?
A After about the first year and a half.
Q That was after the first year and a half?
A Uh-huh.
MR. ALLEN: (Interrupting) Dave, when she said, "uh-huh," you've got to get a verbal response.
Q You have to give a verbal response.
A Yes.
Q Before that you were doing shift work, sometimes graveyards, evenings, different shifts?
A All in one week, yes.
Q That doesn't sound very pleasant.

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Then after that, you worked from 7:30 to 4:00 o'clock roughly?

A Right.

Q After that you weren't working graveyards or evenings anymore?

A Only now and then.

Q Since about, I guess, 1982 or so, you've been working a regular day shift?

A Actually 1983, when I got married was the time when I ended up starting working a day shift all the time.

Q So, I guess periodically you would work the same shift as Sam Allgood?

A Uh-huh, yes.

Q Do you know how often?

A Oh, no, because I never could keep up with their shifts. I guess they rotated - every third week they would rotate to work days; so, every third week we'd basically be working the same shift.

Q Every third week.

Did you have the same jobs or duties in the laboratory?

A As ...

Q As Sam Allgood. I'm sorry.

A If I worked shift, I did; but on my day

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job, no, I didn't.

Q Sam Allgood was always a shift worker?

A Right.

Q When you worked shift, what were your duties as a shift worker?

A To analyze the samples that were sent into the lab from the different units in the plant.

Q You had different duties when you worked the day shift?

A Right.

Q What are those?

A I worked in the Tech Service GC Room mostly, and I developed methods to analyze special samples. Or if they had problems on the unit, I would have to shoot those in the tech service room and find out what their problem is and relay that back to the unit.

Q You were a troubleshooter?

A Basically. Whether it was for an engineer or for the unit.

Q When you say, "unit," you're referring to the lab?

A No, like, the whole plant is divided into separate units, like, a Styrene Unit, a PX Unit. We just call them, "units."

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Q Did Sam Allgood ever work the days with you at Amoco?

A No.

Q What kind of samples would you analyze while you were working shift work as best you can recall?

A Do you mean the names of the samples?

Q Yes.

A Like a styrene-crude sample, PX products, styrene products.

Q What does "PX" stand for?

A Paraxylene, resin 18 codes. We would have distillations to run from Plant A.

Q So, Sam Allgood would be doing the same things when he was working in the lab for his shifts?

A Right.

Q The times that you worked shifts together, did you work near each other? Can you describe the setup of the lab?

A At that time in the old lab, the lab was divided into separate rooms. Plant A and Poly B was in one room; so, all of their tests were run there. The Wet Test Area consisted of the Water Area, freeze points, aluminum chlorides, sodium hydroxides, Karl Fischer water, that type of work; so, when

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you're a wet tester, there's two of you that work together on the same cart of samples; and when you work Plant A or Poly B, you work by yourself in that room.

Q Did you ever work side by side with Sam Allgood?

A I honestly don't remember if I ever did or not.

Q On any given shift, how many workers are there together in the lab?

A Five work a shift.

Q On average, how much time would you say that you spent with Mr. Allgood on a daily basis?

A No more than an hour in a whole day and that would be broken up. It wouldn't be at one time.

Q Did you take any meals or breaks together?

A Yes. That's ---

Q (Interrupting) That's the hour?

A Yes, basically.

Q So, the times that you worked the same shift together, you were working in different areas of the lab?

A We could have been working, like, wet tests together. I just don't remember because it's been so long ago.

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Q While you knew him, did Sam Allgood smoke cigarettes?

A Yes.

Q Did he appear to enjoy smoking?

A Yes.

Q What was it he said or did that made you think he enjoyed smoking cigarettes?

A He offered me some and would smile. He would ask me if I wanted a cigarette; and I would tell him, "No."

Q You said he'd smile when he'd do that?

A Uh-huh, yes.

Q What was the significance of that?

A He knew that I did not like smoking, that I'm highly allergic to it; and it was like he offered it to me as a joke because he knew I wouldn't take it.

Q We'll get into that in a little more detail.

Did Sam Allgood ever tell you when or why he started smoking?

A No.

Q Did you ever hear him say he smoked cigarettes because of advertising?

A No.

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Q Did you ever hear him say he started smoking cigarettes because of advertising?
A No.
Q Do you smoke cigarettes, Ms. Taylor?
A No.
Q Have you ever been a smoker?
A No.
Q Why not?
A I'm highly allergic to cigarette smoke.
Q Any other reasons?
A No, other than I just don't approve of it. I think it's bad for your health.
Q What are the health risks, in general, that you think are associated with smoking?
A I think it causes lung cancer.
Q How long have you held that belief?
A As long as I can ever remember.
Q How did you reach that conclusion about cigarettes?
A I guess from hearing TV commercials that the Surgeon General said it was, you know, a hazard to your health.
Q Do you recall reading anything about it?
A Just through magazine advertisements. It would say the same thing.

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Q Newspapers?
A Not really.
Q Anything else besides lung cancer?
A Not really.
Q Are you familiar with the terms "cancer stick" or "coffin nail"?
A Yes.
Q What do these terms mean to you?
A A cigarette.
Q Have you ever used either of these terms to refer to cigarettes?
A Yes.
Q Did you ever use these terms at work?
A Yes.
Q Who else was present when you would use these terms?
A I know Sam was at one time, and Shirley Caskey, and I'm sure other lab technicians.
Q Why would you use these terms?
A Because I felt like smoking cigarettes would harm your health and perhaps eventually kill you from it.
Q So, you thought you were trying to help some of your co-workers?
A To inform them of the hazard of it.

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Q Hazards of smoking?
A Right.
Q How would Sam react to these comments, these terms?
A He would say that "I'm going to die of something. It might as well be cigarettes because I enjoy them."
Q Did he say anything else?
A No.
Q So, he didn't seem confused or puzzled by these terms, did he?
A No.
Q He seemed to know what they meant?
A Yes.
Q Did you ever hear Sam Allgood use the term "cancer stick" or "coffin nail" to refer to his cigarettes?
A I can't honestly say I remember him using them.
Q Do you remember hearing him use any other slang terms to refer to his cigarettes?
A Not really.
Q But you do recall he was around when you would use these terms about cigarette smoking?
A Yes.

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Q You do recall saying these things to him?
A Yes.
Q Have you ever heard any of your other co-workers at Amoco use terms like "cancer stick" or "coffin nail" to refer to cigarettes?
A Shirley Caskey did when she smoked. She has quit now.
Q Would anyone else use those terms?
A I can't recall names because I don't remember now, but I did hear other people using those terminology.
Q They were commonly used in the lab and break rooms and lunch rooms?
A Yes.
Q Generally speaking, when was it that you would use these terms?
A If I were in there taking a break or eating my lunch.
Q So, there would be smokers smoking; and ---
A (Interrupting) While I was trying to eat or drink.
Q --- you'd refer to their cigarettes as "cancer sticks" or "coffin nails"?
A Yes.
Q When you worked with Mr. Allgood at Amoco,

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were people allowed to smoke in the laboratory?

A Not in the laboratory, only in the lunch room and in the foreman's office.

Q The lunch room and the foreman's office?

A Uh-huh.

MR. ALLEN: Is that a "Yes"?

A Yes.

Q Was there a time when the smokers and the nonsmokers had to share the same lunch room and break areas at Amoco?

A Yes.

Q When?

A I believe as long as we were in the old lab, we had to share the same lunch room; and they smoked. Right before we moved to the new lab, they had built a smoke shack - I believe that's what they called it - outside; and smokers then had to go out there and use that and not smoke in the lunch room.

Q Do you recall when they built the smoke shack? Approximately, not exactly.

A I want to say around '89 or '90.

Q So, the whole time you knew and worked with Sam Allgood at the plant, those nonsmokers and the smokers were sharing the same lunch areas and break areas ---

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A (Interrupting) Yes.
Q --- and smokers were smoking?
A Yes.
Q So, that's about anywhere from seven to nine years?
A Uh-huh.
MR. ALLEN: Is that a "Yes"?
A Yes.
Q Did this arrangement create any problems?
A For me it did.
Q What kind of problems did it create for you?
A I'm highly allergic to smoke and it makes my throat close up when I'm in a room with smoke. So, I generally had to leave and go across the hall to a chemist's office to eat or take a break.
Q Were you the only nonsmoker in the lunch room?
A No.
Q Would others complain about this situation, as well?
A Others complained, but they didn't seem to be as affected by it as I was physically.
Q They would complain to the smokers?
A Uh-huh.

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MR. ALLEN: Is that a "Yes"?

A Yes.

Q Did any of the nonsmokers in the lunch rooms and break areas at Amoco mention the health hazards associated with smoking?

A Other people also mentioned it.

Q Who would mention it?

A Other technicians. I don't remember names.

Q You would mention the health hazards at these times?

A Yes.

Q What kinds of complaints or comments about smoking would you make to the smokers?

A I would tell them that I believed it was jeopardizing their health, and I wished they would consider that and think about not smoking.

Q You talked about their health?

A Well, I also mentioned that it affects my health because secondhand smoke - from what the Surgeon General says - is just as dangerous, if not more so, than the firsthand smoke.

Q Sure, but you were also expressing concern about the health of the smokers you were working with, as well?

A Right.

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Q You don't like smoking, do you, Ms. Taylor?
A No.
Q Would you say you were fairly vocal in complaining about smoking at the plant?
A Yes.
Q Would you say your views on smoking were pretty well known by your co-workers?
A Yes.
Q Did you tell the smokers you didn't like cigarettes?
A Yes.
Q Did you tell the smokers in the lab at Amoco that you thought cigarettes were dangerous?
A Yes.
Q Did you tell the smokers in the lab at Amoco that you thought cigarettes caused cancer?
A Yes.
Q Did you tell the smokers that you thought cigarettes killed people?
A Yes.
Q Did the smokers in the lab, including Sam Allgood, take these complaints very seriously?
A No.
Q Did they used to joke about your complaints and comments?

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A Yes.
Q Did they used to joke about the health risks of smoking?
A Yes.
Q Was Sam one of the ones who would joke about your complaints and comments?
A Yes.
Q Was Sam Allgood one of the ones who used to joke about the health risks of smoking?
A Yes.
Q How did he react to your comments and complaints about the health risks of smoking?
A He told me if I didn't like his smoking, that I could leave the lunch room.
Q Anything else?
A I guess that smoking was his business and really none of mine.
Q Anything else?
A I can't think of anything else that was said.
Q Was anyone else present when Sam Allgood would say these things to you?
A Shirley Caskey. I'm sure there were others. I just don't remember, though. The reason I mentioned their names was those two were together all

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the time. They usually took breaks together, and they were both heavy smokers at that time. Since then, Shirley has quit smoking.

Q So, Shirley Caskey knew Sam Allgood pretty well?

A I thought so, yeah.

Q Overall, how would you describe Sam Allgood's attitude toward complaints about his smoking?

A I believe he got offended with me telling him how I felt about it.

Q What led you to believe that?

A He offered me a cigarette one time and I took it and I broke it in half and threw it in a trash can. It seemed to make him very mad.

Q Did he say anything?

A He had a frown on his face and asked me why I did that.

Q What did you say?

A I said, "Because that's the best place for it."

Q What was his reaction?

A I can't really remember, because I walked out at that point; and I don't remember if he said anything or not.

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Q Would Mr. Allgood respond sarcastically to your comments and complaints about his smoking?

A I would say usually, but I don't remember what some of those were. That's just the general feeling I have gotten, the best I remember.

Q He was usually sarcastic?

A (Witness nodding head affirmatively)

MR. HOLFORD: Objection to sidebar.

Q You said he was usually sarcastic?

A I believe.

MR. HOLFORD: Pardon me.

Q Do you recall anything or any specific comments that he would make that you would characterize as sarcastic?

A For instance, it was none of my business whether he smoked or not; and if I didn't like it, I could leave.

Q Was he rude?

A Rude in the sense that he continued to smoke even though he knew it bothered me a great deal.

Q Did he ever say that he had not heard that cigarettes were bad for him?

A He never said it to me.

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Q Did he ever say it to anyone else in your presence?
A Not that I'm aware of.
Q Did he ever suggest that cigarette smoking wasn't harmful to health in general?
A Not that I can recall.
Q Did he ever suggest that cigarette smoking wasn't harmful to his health?
A Not that I recall.
Q Did you ever hear him say that he had a shield against cancer?
A No.
Q Would he defend his smoking practice?
A Yes.
Q In what way?
A He said he smoked because he liked to.
Q Did he say he smoked for any other reasons?
A No.
Q Did he claim he had a right to smoke?
A Yes.
Q You said that pretty quickly, and you were very sure of yourself.
A Yes.
Q How would he defend his rights?
A Most of the smokers in the lab have all

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told me that they have a right to smoke.

Q Sam Allgood told you he had a right to smoke cigarettes?

A Yes.

Q He'd say that when you would offer comments or criticisms about smoking?

A Right, he would tell me that the lunch room was just as much his right to be in there as mine; and if I didn't like what he was doing in there, I could leave.

Q During the time you worked together, Ms. Taylor, did Mr. Allgood ever try to quit smoking, as far as you know?

A Not that I'm aware of.

Q Did you ever hear him express any interest in quitting?

A No.

Q Did he say just the opposite - that he wanted to keep smoking?

A I don't remember.

Q Or words to that effect?

A Maybe words to that effect, that he liked it and he didn't see any reason to quit.

Q Did he ever suggest to you or anyone else in your presence that he could not stop smoking?

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A No.
Q Did he ever make any serious attempt to quit smoking that you are aware of?
A Not that I'm aware of.
Q Did he ever indicate he could quit smoking whenever he wanted to?
A No.
Q Did you ever hear Mr. Allgood refer to The Council for Tobacco Research?
A No.
Q Did you ever hear him refer to The Tobacco Institute?
A No.
Q How would you describe Mr. Allgood's personality?
A He was friendly.
Q Anything else?
A No. I really didn't know Sam that well other than just briefly working.
Q So, you liked him?
A I liked him.
Q Was he the kind of guy who liked to enjoy himself?
A I think so.
Q Why do you say that?

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A He just seemed friendly and enjoyed being around other people.

Q Did he seem to have a particular outlook or approach to life?

A Nothing that I could really pinpoint.

Q Would you say he had a mind of his own?

A I think so.

Q Why do you say that?

A Because of his attitude towards smoking - when he knew I didn't like it, he didn't really care. He was going to do what he wanted to do.

Q Any other examples that you can think of?

A He would be vocal on any issue that came up in the lab. He had strong opinions on issues - a lot of the technicians do.

Q Do you recall any of the issues that he was particularly vocal on in the lab?

A No.

Q Would you say that Sam Allgood pretty much did what he wanted while in the lab?

A I think so.

Q Do you consider him to be intelligent?

A Yes.

MR. WALLACE: That's all the questions I have right now, Doug. I

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pass the Witness.

EXAMINATION BY MR. HOLFORD:

Q Ms. Taylor, I'm Doug Holford. Again, I represent the plaintiffs, Bonnie and Marcus and Malcolm Allgood, the remaining family of Sam Allgood.

A Okay.

Q You didn't know Sam that well; is that right?

A Just casually through work.

Q Am I fair when I say you didn't know him that well?

A Right.

Q Sam was generally friendly; is that right?

A Right.

Q But you found him not to be very friendly when you got on him about his smoking?

A Right.

Q Is it fair to say that while you liked him as you generally knew him, you did not particularly like him when he got on to you about your getting on to him about smoking?

A That didn't change the way I felt about him. I just don't think he cared for me reprimanding him, so to speak; or he didn't like me telling him

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that I thought it was bad for him.

Q By the way, we have never met before today; is that right?

A Right.

Q Now, Taylor is your maiden name?

A No, that's my married name.

Q What is your maiden name?

A Vaughan.

Q That's the "V"?

A Uh-huh.

Q V-a-u-g-h-n.

A V-a-u-g-h-a-n.

Q All right. Now, you interacted with Sam at work only during the first year and a half of your work in the lab when you were on shift work; is that right?

A Interacted in that we worked together, maybe on the same shift. Otherwise, the only interaction was in the lunch room during breaks or lunch.

Q Now, shift work is an evening shift or an overnight shift; is that right?

A And it's also a day shift.

Q I see. How does shift work differ from day work?

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A Okay. In shift work, they have routine samples that come into the lab that are analyzed every so many hours. On the day shift, you have a different type of samples you run. You run samples for either an engineering project or samples that a unit's having problems. So, you run a sample and tell them they have a leakage somewhere; and they have to correct it right quick.

Q You say you believe you worked with Sam Allgood for nine years, then, if he died on January 23rd, 1989? Is that what you said?

A Right.

Q That's your best memory as you sit here?

A Right.

Q Do you have any intention to live anywhere differently than right here two years from now?

A No.

Q Do you know if Shirley Caskey has any intention to move out of Texas City?

MR. ALLEN: Speculation. I object, but go ahead. You can answer these questions.

Q Let me ask you another one. You know Shirley pretty well, right?

A We came into the lab the same day.

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Q Back in 1980?

A Right.

Q You've worked together quite awhile?

A No, she was also working shift work most of that time. Only in the last five or six years, she's been working days.

Q Well, I thought I heard you say when you got called about this deposition by the tobacco lawyers, you called Shirley Caskey right away, right?

A She's been working the day shift with me; so, I just went over to her and asked her about it.

Q You had heard before that Shirley Caskey had given a deposition?

A Yeah, she had told me because she had asked me if I had talked to the lawyers; and I said, "Yes, they've been to see me."

She said, "Are you going to give a deposition?"

I said, "I don't know. I haven't made up my mind."

That's when she told me she had and somebody came in and we had to quit talking and then later - a week or so later - I went back and asked her about it. That's when she said, "Yes, they will come in your home and ask you questions; and you

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answer them."

Q Was that all back in September, '92?

A I don't know if it was September or October. I guess September.

Q Actually when she gave her deposition was a little earlier than September, right?

A I don't know when she gave it. She didn't tell me.

MR. HOLFORD: Do you-all remember when?

MR. WALLACE: I think it was September.

MR. HOLFORD: September 3rd?

MR. WALLACE: No, not the 3rd. It was, like, the middle of September.

MR. ALLEN: It doesn't make any difference. I don't think that is a major point, Doug.

MR. HOLFORD: Mr. Allen, I would like it if you would refer to me as "Mr. Holford"; and I will refer to you as "Mr. Allen."

MR. ALLEN: I don't think it's a major point, Mr. Holford.

MR. HOLFORD: I'd also thank you

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to address on the record only objections and not personal opinions about what I say or what I do, okay?

MR. ALLEN: Yes, sir, Mr. Holford.

MR. HOLFORD: Thank you.

(By Mr. Holford)

Q This is Scott Allen. He's a Houston lawyer, but he grew up here in Texas City.

MR. ALLEN: I'm also referred to as "Mr. Allen."

Q Mr. Allen.

Did you know the Allen family here at any time?

A No, sir.

Q Now, when Sam Allgood talked to you or in your hearing about his smoking, he addressed you about it or someone else in your hearing about it. He would joke about that; is that right?

A Yes.

Q Most of the smokers in the Amoco lab acted toward you just like Sam did; is that right?

A I would say many of them did. Some smokers respected the fact that I was allergic to it, and they would try not to do it in my presence.

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Q I see. Do you remember who they are?
A Mike Spiegel is one. Sometimes; sometimes he wouldn't. Gosh, it's been too long. I can't remember.
Q All right. Where is Mr. Mike Spiegel?
A He works as a training coordinator for the lab. He works on the office side now.
Q Now, for this question, Ms. Taylor, I'm going to ask you to put smoking aside. Would you agree that Sam was generally very careful about his health?
A I didn't know him well enough to know.
Q In fact, Sam Allgood always used his mask whenever ---

MR. WALLACE: (Interrupting) Objection. Leading, Doug.

MR. HOLFORD: This is cross-examination.

(By Mr. Holford)
Q In fact, Sam Allgood always used his mask when the Amoco rules required it in the lab, to your knowledge? As far as you know, is that right?
A I can't honestly say because I don't remember him wearing a mask. I'm sure he did when it required it. I just don't remember it.

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Q Does your answer reflect that you just ---
A (Interrupting) That would be for him or any other technician back at that time. Now, we're very conscious about safety; and people wear masks all the time. But when I first came into the lab, you didn't see people wearing it much.
Q Were the Amoco rules more lax then than they are now?
A I would say I think so. Now, that may not be correct. They may have been as strict. I think they were not enforced as strictly as they are right now.
Q But your best memory as you sit here is that the Amoco rules were more lax than they are now?
A I think so.
Q Is it fair to say that in general you don't like smokers?
A It's not whether I like smokers or not. I don't like the habit of smoking. People, I like. I have nothing against the person themselves. It's the habit of smoking I don't care for.
Q Well, then, do you consider people who go through life smoking cigarettes victims?
A Victim as far as doing it to themselves. I feel like if they did not smoke, I would not feel

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like they are victims -- No, I can't say that because I feel like ---

Q (Interrupting) Are you retracting your answer so far?

MR. ALLEN: Let her finish, Doug - Mr. Holford.

MR. HOLFORD: I will.

A I don't remember what I've said so far.

To answer your question, I feel like a smoker or a nonsmoker is a victim to smoke because I believe that secondhand smoke is as dangerous as firsthand smoke.

MR. HOLFORD: I move to strike everything before "To answer your question" as nonresponsive.

MR. ALLEN: Ms. Taylor, just for the record, since we didn't talk about that ---

MR. HOLFORD: (Interrupting) Now, Mr. Allen, this is sidebar, okay? You're instructing the Witness, and it is not an objection.

MR. ALLEN: That's right.

MR. HOLFORD: I object to it.

MR. ALLEN: Okay. Go ahead.

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Your objection is on the record.

Ms. Taylor ---

(By Mr. Holford)

Q (Interrupting) Now, Ms. Taylor, do you know what nicotine addiction is?

MR. ALLEN: Wait a minute. Stop, Doug. I'm going to get this on the record. Then I'll talk to the people in the room, and Ms. Taylor is one of them. Ms. Taylor was not informed that lawyers may make objections to the deposition; and you're entitled to do that, as is anybody else present that's an attorney.

I just wanted her to know that despite the objections, she's supposed to give whatever answer she feels comfortable with; and Judge Hittner at the time of trial will rule upon those. You're not the judge, and I'm not the judge. She should give whatever answer she feels comfortable with. Thank you, Mr. Holford.

Q All right. Ms. Taylor, do you know what nicotine addiction is?

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A I feel like I do.
Q Have you known people that were addicted?
A I feel like any smoker that smokes - a chain smoker especially - is addicted to nicotine.
Q Like Sam Allgood and all the other lab techs that smoke out at the lab?
A Right.
Q Do you have any familiarity with cocaine addiction or heroin addiction?
A No.
Q Just from what you've read or heard on the news or anything like that?
A I don't personally know anyone who has been addicted.
Q I understand that. I didn't ask you that. I'm just saying: Are you familiar that there is such a thing ---
A (Interrupting) Oh, yes.
Q --- as cocaine addiction or heroin addiction?
A Oh, yes.
Q Do you know that nicotine addiction addicts the same way as cocaine and heroin?
A I feel like I know that.
MR. ALLEN: I need to get an

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objection on the record, Ms. Taylor. I didn't have the opportunity before you finished the answer.

I object to the question as having lack of foundation. This woman has not been shown to be qualified to give such testimony, and I'm sure Mr. Holford knows that.

MR. HOLFORD: I object to that sidebar, Mr. Allen.

MR. ALLEN: I just want to get my objection because under the Rules, also, we're responsible for following the Rules.

It is improper to ask the Witness, that you know is not qualified, an expert opinion.

MR. HOLFORD: Objection to the sidebar and the conduct of Counsel, which is discourteous and uncivil.

MR. ALLEN: I didn't think it was. I just wanted to get my objection on the record.

(By Mr. Holford)

Q Have you experience with a smoker, let's

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say, going to extremes to make sure they don't ever run out of cigarettes?

A No.

Q Well, think about when you were growing up.

A I've seen people going in stores all the time buying cigarettes. I assume that's because they're going to run out.

Q Now, I was referring to the time that you were growing up with your father, Ms. Taylor. Your father died at 41; is that correct?

A Yes, he did.

Q He died of ---

A (Interrupting) But I do not wish to discuss my father because it has nothing to do with this case.

Q Well, Ms. Taylor, would you agree that your experience in growing up with your father, who smoked -- I have to ask you one more question or I'm going to get a sure objection here.

A Okay.

MR. ALLEN: Probably not.

Q Your father died of lung cancer?

A Lung cancer and a lot of other things. It started with lung cancer, and then other -- As he got so sick, he developed other health problems.

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Q From the lung cancer, or just in ---

A (Interrupting) I guess from being so sick he couldn't fight off other diseases.

Q I understand. All right.

Did they conclude that it was the lung cancer that caused his death?

A I don't remember because I was 13 at the time.

Q Yes, ma'am.

Did the attending physicians tell you that your father's lung cancer was caused by his smoking?

A They did not talk to me at all.

Q To whom did they talk?

A My mother.

Q Did they tell her that?

A I don't know.

MR. ALLEN: Objection. Calls for conjecture and speculation. Also, she has testified that she was 13. They didn't talk to her. She's told you she would not like to divulge her private family matters, but you may proceed.

MR. HOLFORD: I object to the sidebar.

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MR. ALLEN: That's all right.

(By Mr. Holford)

Q Now, did you hear from your family or otherwise that the doctors who treated your father gave the opinion that his lung cancer was caused by his smoking?

A My mother has said that the doctors hinted that the smoking could be the possible cause of his lung cancer.

Q Now, would you agree that what happened to your father with his smoking could have an effect on your attitude toward smoking?

A I really don't because of my own health problem of being highly allergic to it.

Q Were you highly allergic to it as you were growing up before you were 13?

A Not to my knowledge; but, then, Daddy didn't smoke around us. He usually went outside when he smoked. He would not smoke in the house.

Q At any time before his death, did your father ever stop smoking?

A No.

Q Would you say that Sam Allgood liked you, but just got objectionable when you got on him about his smoking?

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A I think so.
Q I noted on the questions by Mr. Wallace that you said that you thought that Shirley knew Sam well. Do you recall saying that?
A Uh-huh, yes.
Q Let me ask you this: At some point you thought Shirley knew Sam well, but you had learned at some time since that perhaps she didn't?
A I'm sorry if I gave you that impression. No, I believe Shirley knew Sam well because they worked together a lot, even on the same shift.
Q All right. That's all you have to say on that?
A Right.
Q There are no but's or if's about that?
A Right.
Q Now, do you know Shirley as well as Shirley knew Sam?
A Maybe.
Q You don't know?
A Since I don't really know how well she knew him, you know ---
MR. WALLACE: (Interrupting) It's getting convoluted here.
A Shirley and I talked quite a bit.

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Q Are you and Shirley good friends?

A We're friends.

Q Are you good friends?

A I wouldn't say we're good friends. We're friends.

Q Why would you not say you're good friends?

A I don't call her a close personal friend. She's a friend from work.

Q You've never met or talked other than at work with Shirley?

A No, no.

Q Of course, anytime you want to talk to Shirley, you'll see her at work?

A Right.

MR. ALLEN: Therefore, she is a work friend.

MR. HOLFORD: Object to the sidebar, Mr. Allen.

(By Mr. Holford)

Q Now, the tobacco lawyers first talked to you about giving this deposition back in September of '92; is that right?

A Right.

Q But we're sitting here today on January 12th, 1993?

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A Right.

Q What caused the delay?

A Probably because when they came to ask me if I would give it at the time, I was without a voice. I could barely speak, and I told them it usually lasts a couple of weeks when I'm like that. I guess the Thanksgiving and Christmas holidays came along; so, we just postponed it. I really did not care. I just asked them to wait for at least two or three weeks until I got my voice back.

MR. WALLACE: We're real nice guys, Mr. Holford.

MR. ALLEN: We prefer witnesses that can talk.

Q Now, would you relate to me each talk you had with the tobacco lawyers going from the present back.

MR. WALLACE: Do you want to take a break to answer your phone?

THE WITNESS: Yes.

(AT THIS TIME A BRIEF RECESS WAS TAKEN, AND THE PROCEEDINGS THEREAFTER RESUMED AS FOLLOWS:)

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(By Mr. Holford)

Q I asked you if you would relate starting from the present back your talks with the lawyers representing the defendants.

A Each time they would come to talk to me, we would stand out front; and they would ask me if I could relate to them any incident discussing Sam and smoking.

Q Pardon me, ma'am. What I meant was: I want you to take one talk or incident at a time, whether it be by person ---

A (Interrupting) They were all the same.

Q I know, but whether it be by person -- I'm also interested in when they were, you see?

A Oh, heavens. I don't know.

Q All you can do is state your best memory, or at least put them in order, maybe, all right? For instance, before this deposition actually started today, did you have any communication with the defendants' lawyers today?

A They came to my door, and asked if I would be willing to give a deposition.

Q That happened today?

A No, I'm sorry. I thought you said before today.

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Q I said, "today." I mean today, yes.
A I haven't seen them until you-all showed up today.
Q All right. Just go on back, then, okay?
MR. ALLEN: She's trying.
MR. HOLFORD: Object to sidebar.
A The last talk we had was when they came and asked me if I would give a deposition. I said, "Okay," that I would, but to give me a couple of weeks to get over my hoarseness.
They said, "Fine," they would send me a letter and let me know when.
I said, "Okay."
(By Mr. Holford)
Q That was back in September?
A I guess.
Q That's your best memory?
A The best I can remember.
Q That's one time you've related?
A (Witness nodding head affirmatively)
Q Your testimony today is that is the only time you've had any communications with the tobacco lawyers?
A No.
Q When?

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A Prior to that - I have no idea when it was because I didn't keep track - they came and asked me questions concerning Sam and his smoking and if I had any contact around him when he was smoking. I related the same thing to them I have related again today - the incident about him offering me a cigarette and me breaking it and throwing it away.

Q If it is the same, you don't have to repeat it.

A Each time I said the same thing.

Q And did they at any time make any comment like, "Well, that's good" or "Do you mean this" or anything like that?

A Not that I recall.

Q So, you're saying that you have two times there now. Were there any other times that you can recall?

A The best I recall, they came two or three times and asked me the same questions; and I said the exact same things to them as I've said today.

Q There probably was one other time before the two you've related, but you don't remember when it was or any more particulars about it?

A No.

Q Which lawyers came?

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A (Indicating) Mr. Allen and Mr. Wallace.
Q All three times?
A Yes, uh-huh.
Q Now, if you would, do the same thing with talks with Shirley Caskey about your deposition or what you might say or so on.
A Okay. I guess it was in September I told her that I had been contacted by the lawyers once again to see if I would give a deposition and I said that I was and I asked, "What type of questions do they ask?"

She said, "They ask exactly what you knew about Sam and his smoking."

And I said, "Then, what am I supposed to do?"

She said, "You reply. Answer their questions, and that's it." She said, "It takes about two hours."

I said, "Okay."

MR. WALLACE: That's Mr. Holford's part.

MR. ALLEN: Just for the record, ours took 30 minutes.

MR. HOLFORD: I don't agree with that necessarily, Mr. Allen. We can

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compare the length of the transcript maybe.

A Prior to that conversation, I had asked her one time - and I don't know when - if lawyers had come and talked to her; and she said, "Yes."

I said, "Well, they've come and talked to me, too."

She said, "Just tell them" -- She said, "What did you tell them?"

I said, "I just told them what I knew, which was that Sam smoked. I told him I didn't like it; and he said, 'Too bad' and that he was going to do it anyway."

She said, well, basically that she had told the lawyers that she used to smoke and that they worked together and that the two of them - meaning Shirley and Sam - said that they used to harass me because I did not like smoke and that they would smoke as much as they could while I was in the lunch room because they thought it was funny."

I said, "That's how you felt, huh?"

She said, "Yes."

(By Mr. Holford)

Q That's what Shirley told you?

A Yes.

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Q Anything else? Any other discussions with Shirley Caskey that you can recall?

A Prior to that, the lawyers had come and talked to me; and I didn't know whether I was supposed to talk to lawyers or not because a notice went up on the lab bulletin board a year ago or two years ago telling us not to talk with anyone, that Amoco would handle all lawyers.

So, I went to our Human Resources Department, related to them that lawyers had come to talk to me; and one person in the Human Resources told me "Tell them that Human Resources will take care of that" or "Amoco lawyers will take care of any situation concerning Sam."

I think that same day I went to Shirley then; and she said, "Well, they've come to me too; and I talked to them. So, I'll go talk to Human Resources." She did and she talked to a different person and that person told her "You can tell the lawyers anything you want to as long as you don't involve Amoco."

That's all the conversations she and I had.

Q All right. I want to pick up when you said that your father never stopped smoking before he died, all right?

http://legacy.library.ucsf.edu/tid/dlq97a00/pdf Stanford Libraries tobacco industry documents.ucsf.edu/docs/nxgl0001

A All right.
Q That's true, right?
A Right.
Q Even after he was diagnosed with lung cancer, he continued to smoke?
A Right.
Q Even in the hospital he continued to smoke?
A Right, because the day he got sick, a week later he was put in the hospital in Gonzales where we lived. He stayed there a month. They immediately transferred him to the VA Hospital in Houston, and he never came home except for one week during Christmas. He was put in in September, and he died at the end of March.
Q Now, what I'm asking you is: Even then in Gonzales and in the VA hospitals, your father continued to smoke?
A Right.
Q Do you know that the doctors had told him that the smoking - his lung cancer was related to his smoking?
A No, I don't know if the doctors told him that or not.
Q Do you know that he believed that?
A I don't know if he believed it or not.

http://legacy.library.ucsf.edu/tid/dqs97a00/pdf Stanford Tobacco Industry Documents ucsf.edu/docs/nxgl0001

Q Do you know why he didn't quit after he got lung cancer?

A I feel it was because he was addicted to smoking.

Q Do you believe that this addiction had something to do with why Sam Allgood and the other smokers at the Amoco lab wouldn't quit when you told them that it was bad for them?

MR. WALLACE: Objection, Doug. She doesn't know why Sam smoked, or why he didn't smoke. She's already testified about that, Mr. Holford - about Sam never saying anything like that.

MR. ALLEN: Well, more importantly, just for the record, the question calls for speculation; and there's a lack of predicate and foundation. That's our objection.

Q I asked you if you believed that this nicotine addiction had something to do with Sam Allgood and the other people at the Amoco lab not quitting when you got on them about their smoking.

A I believe it did.

MR. ALLEN: I want to make sure

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for the record that I have my same objections on behalf of the Defendants.

Q I think, to clear up one thing, Sam Allgood was diagnosed with his throat cancer on February -- Well, the strict diagnosis was on March 2nd, 1987; and he did not work at the lab anymore after that.

Would that be a seven-year period that you-all were both at the lab?

A Right.

Q Would that be consistent with your memory?

A Right.

Q Do you recall that your father heard warnings about smoking and health and those things?

A I don't remember.

Q You were 13 and under?

A (Witness nodding head affirmatively)

Q What did your mother think of your father's smoking?

A She did not like it.

Q Did she say that to him from time to time?

A Yes.

Q Do you recall what his responses were to her, if you heard - if you did hear any?

A I don't remember if he ever said anything.

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He was a very quiet man. He had very little to say.

Q What did he call your mother?

A Oreta, I guess.

Q Do you recall your father saying to your mother when she would bring something to his attention about smoking, "Don't worry, Oreta, it isn't going to hurt me"?

A No, I don't recall him saying that.

Q Or "Don't worry, Oreta, it's just not that big a risk"?

A I don't recall him ever saying that.

Q You can't testify that he never said those things?

A Right.

MR. HOLFORD: I pass the Witness.

MR. ALLEN: I think we're through, but we're going to take a little break.

(AT THIS TIME A BRIEF RECESS WAS TAKEN, AND THE PROCEEDINGS THEREAFTER RESUMED AS FOLLOWS:)

RE-EXAMINATION BY MR. WALLACE:

Q Ms. Taylor, we talked about quitting before -

http://legacy.library.ucsf.edu/tid/clq97a00/pdf Stanford Library Industry Documents Archive ucsf.edu/docs/nxgl0001

Sam Allgood's attempts, whether he ever made any attempts to quit smoking. You told us he never suggested to you or anyone else in your presence that he could not stop smoking. Do you remember that?

A I remember that we discussed that. No, he never said it in my presence.

Q He never told you he was addicted to smoking, did he?

A No.

Q In fact, when you talked about smoking, Sam Allgood told you he liked it, didn't he?

A Yes.

MR. HOLFORD: I'm going to object to the line of questioning so far, Mr. Wallace. This is all a repetition of direct.

MR. WALLACE: Thank you, Mr. Holford.

(By Mr. Wallace)

Q When he talked about smoking, he told you he enjoyed it?

A Yes.

MR. HOLFORD: Same objection.

Q When he talked about smoking, he told you to mind your own business?

http://legacy.library.ucsf.edu/tid/dlq07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/nxgl0001

A Yes.
Q Did you talk to Mr. Holford before the deposition, Ms. Taylor?
A One time on the telephone.
Q Do you recall when he called you?
A The day after you-all visited me in September.
Q What did he say to you?
A He asked me if I had talked to lawyers from the tobacco companies; and I said, "Yes," and what I told you-all. And I repeated to him the exact same thing - that Sam smoked in my presence and I did not care for it. I told him I didn't. He objected to my giving him my opinion. He said he had a right to smoke if he wanted to. Then he asked me questions about my father, and I answered his questions. But I told him then, as I say now, that my father has nothing to do with this case; and I really didn't want to discuss him.
Q Was anything else said?
A No.
Q So, you told Mr. Holford back in September when he telephoned you basically everything you have testified to today?
A Yes.

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MR. HOLFORD: Objection. Calls for an answer - a number of questions at once. Whether that's multifarious or not, I'll throw that in. It calls for a summary of testimony. It also calls for a conclusion from the Witness.

MR. WALLACE: We'll have her take a crack at it.

MR. ALLEN: She already answered, I think. She got her answer on the record.

MR. WALLACE: What was the answer?

MR. HOLFORD: "Yes." I just made the objection, Mr. Wallace.

MR. WALLACE: That's all we have. Thank you, ma'am.

MR. HOLFORD: That's all I have. Thank you, Ms. Taylor.

MR. ALLEN: Thank you very much.

(WHEREUPON, THE DEPOSITION WAS CONCLUDED.)

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THE STATE OF TEXAS:

COUNTY OF HARRIS:

I, DAVID S. SMITH, a Certified Shorthand Reporter, hereby certify that the foregoing testimony was given by me after the Witness had been first duly sworn.

I further certify that this deposition was typed under my direction and is a complete and correct transcript of the proceedings; and that it is being filed with the Court in accordance with the Stipulation of Counsel contained in this deposition.

I further certify that I am neither attorney for, related to, nor employed by any of the parties to the lawsuit in which this deposition was taken. Further, I am neither related to nor employed by any attorney of record in this cause; nor do I have a financial interest in the matter.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of January, 1993.

DAVID S. SMITH, CSR

Certification No.: 4166
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